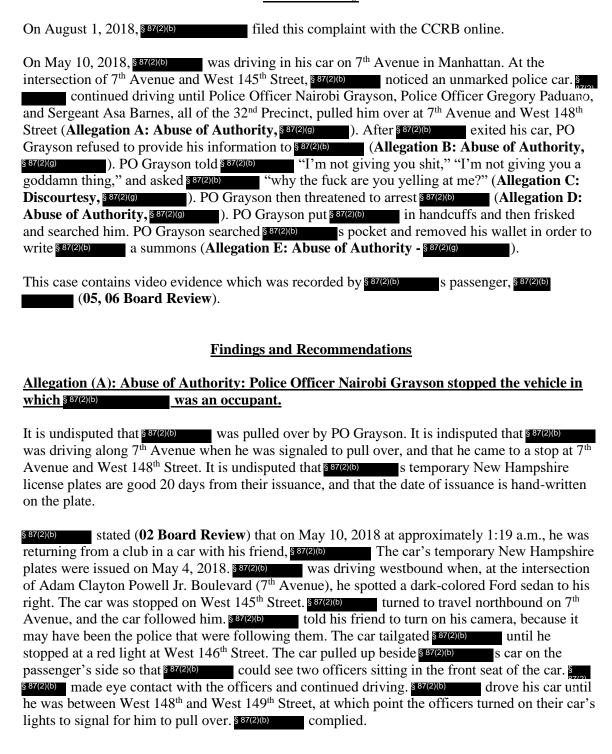
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☐ Force	☑ Discourt.	U.S.
Zev Carter		Squad #3	201806244	☑ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:	•	Precinct:	18 Mo. SOL	EO SOL
Thursday, 05/10/2018 1:19 AM		West 149th Street and Powell Jr Boulevard	Adam Clayton	32	11/10/2019	11/10/2019
Date/Time CV Reported		CV Reported At:	How CV Reported:	Date/Time	Received at CC	RB
Wed, 08/01/2018 11:51 AM		CCRB	On-line website	Wed, 08/0	01/2018 11:51 A	M
Complainant/Victim	Туре	Home Addre	ess			_
Witness(es)		Home Addre	ess			
Subject Officer(s)	Shield	TaxID	Command			
1. POM Nairobi Grayson	18162	958652	032 PCT			
Witness Officer(s)	Shield N	o Tax No	Cmd Name			
1. SGT Asa Barnes	02040	936173	032 PCT			
2. POM Gregory Paduano	19040	959035	032 PCT			
Officer(s)	Allegatio)n		Inve	estigator Reco	nmendation
A.POM Nairobi Grayson	Abuse: Police Officer Nairobi Grayson stopped the vehicle in which san occupant.					
B.POM Nairobi Grayson	Abuse: Police Officer Nairobi Grayson refused to provide his shield number to § 87(2)(b)					
C.POM Nairobi Grayson	Discourtesy: Police Officer Nairobi Grayson spoke discourteously to \$87(2)(b)					
D.POM Nairobi Grayson	Abuse: Police Officer Police Officer Nairobi Grayson threatened to arrest § 87(2)(b)					
E.POM Nairobi Grayson	Abuse: P § 87(2)(b)	olice Officer Nairobi G	rayson issued a sum	mons to		

Case Summary



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stated (**09 Board Review**) that while he and \$87(2)(b) were driving through Harlem, they noticed that they were being followed by a police car. The police car pulled aside the car they were driving in, and turned on its lights and siren to pull the car over.

PO Grayson stated (11 Board Review) that he, PO Paduano, and Sgt. Barnes were on general patrol driving northbound on 7th Avenue at approximately 1:15 a.m. on May 10, 2018. PO Grayson was sitting in the back seat, while PO Paduano drove and Sgt. Barnes sat in the passenger's seat. Say(2)(b) so vehicle pulled up alongside the officers' vehicle on the passenger side. When the light turned green say(2)(b) so car pulled ahead of the officer's car, and when it was approximately one car-length away, PO Grayson noticed that its plates appeared to be expired. They were temporary plates, made of paper. The date written in marker on the plate was May 9, 2018. It was dark out, but the street was lit by streetlamps, and say(2)(b) so car had plate lights. PO Grayson asked his partner what the day's date was, and he responded that it was the tenth of May. PO Grayson decided to pull the car over. The officers turned on their vehicle's lights and used the siren to signal for say(2)(b) to pull his car over.

PO Paduano stated (13 Board Review) that that he, PO Grayson, and Sgt. Barnes first saw strong, and Sgt. Barnes first saw strong, and Sgt. Barnes was sitting in the passenger's seat, while PO Grayson was sitting in the back of the car. PO Paduano did not know which officer saw strong is plates first, but they had the date May 4, 2018 written on them, which raised the officers' suspicion of the vehicle's license plate being expired. The officers' car was directly behind strong is vehicle at a red light. It was dark out, but streetlights were on, and PO Paduano could still see the plate. PO Paduano did not recall whose idea it was to pull strong over, but streetlights was compliant once the officers signaled for him to pull over.

Sgt. Barnes stated (15, 16 Board Review) that he was sitting in the back seat of the car with PO Grayson driving and PO Paduano sitting in the passenger seat, when PO Grayson saw strong is license plates. Sgt. Barnes could only recall that the stop was initiated by a traffic violation regarding a license plate. There was no conversation about stopping the car. PO Grayson activated the car's emergency lights to signal for satisfactory to pull over, and satisfactory was compliant.

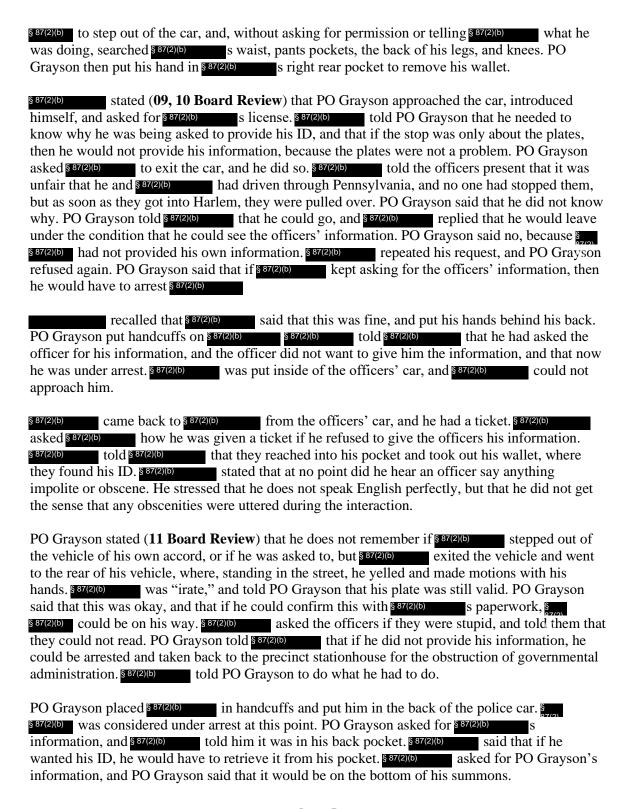
PO Grayson's memo book (**12 Board Review**) reads that at 1:15 a.m., he made a car stop on West 148th Street and 7th Avenue for what "appeared" to be an expired New Hampshire license plate.

PO Paduano's memo book (**14 Board Review**) reads that at 1:15 a.m., a car stop was made going northbound on 7th Avenue at West 148th Street. The car's New Hampshire plates and registration "appeared" to be expired, and were dated May 4, 2018.

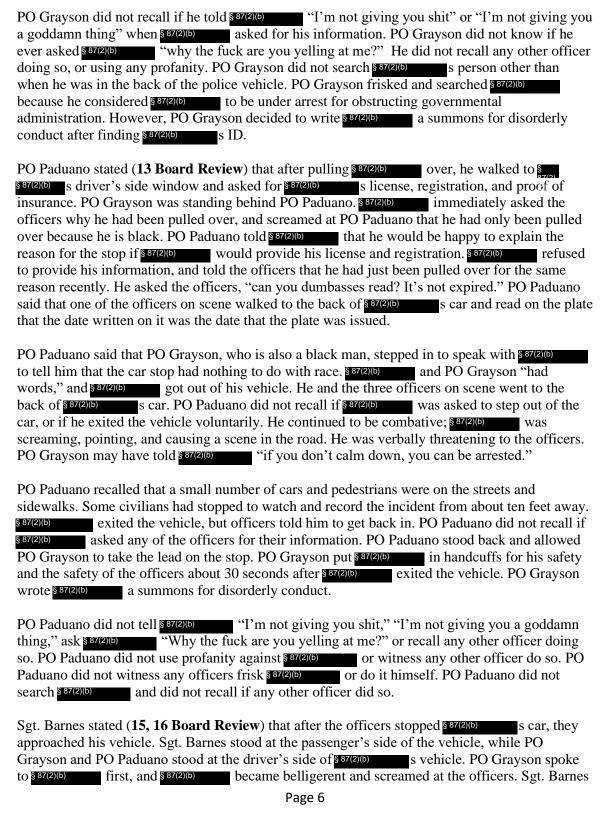
s temporary New Hampshire license plate (**03 Board Review**) reads: "Only good twenty days from date." The date listed on the plate is May 4, 2018.

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s temporary New Hampshire license plate purchaser's copy (04 Board Review) reads that sar(2)(b) purchased the temporary license plates on May 4, 2018 from a car dealer in New Hampshire.
New Hampshire state law section 261:56 (17 Board Review) states that "a dealer may issue temporary plates furnished by the department" to a car buyer, but "the vehicle shall not be driven under temporary plates for a period in excess of 20 days from the date of issuance by the dealer."
A stop initiated due to a police officer's objectively reasonable mistake of law or fact is constitutional. (<u>People v. Guthrie</u> , 25 N.Y.3d 130 (2015)).
§ 87(2)(g)
Allegation (B) Abuse of Authority: Police Officer Nairobi Grayson refused to provide his shield number to \$87(2)(5) Allegation (C) Discourtesy: Police Officer Nairobi Grayson spoke discourteously to \$87(2)(5) Allegation (D) Abuse of Authority: Police Officer Nairobi Grayson threatened to arrest \$87(2)(5) Allegation (E) Abuse of Authority: Police Officer Nairobi Grayson issued a summons to \$87(2)(5)
stated (02 Board Review) that PO Paduano asked him for his license and registration, and he replied by asking why the officers had pulled him over. PO Paduano told 37(2)(b) not to escalate the situation, and 387(2)(b) asked him why they had pulled his car over. PO Paduano told 387(2)(b) that his plate was expired, but 387(2)(b) told the officer that it was valid, and that it was visibly legal. The officers told 387(2)(b) that they just wanted to make sure that everything was "okay" with the car, and 387(2)(b) said that the officers were racially profiling him. 387(2)(b) spoke with PO Paduano for approximately 2-3 minutes until PO Grayson introduced himself by name and asked 387(2)(b) to step out of the vehicle. 387(2)(b) and the officers went to the rear of his vehicle, where 387(2)(b) explained that he had been pulled over by unmarked cars numerous times in Harlem. PO Grayson told 387(2)(b) to leave, and 387(2)(b) asked the officers for their information. PO Grayson told 387(2)(b) "we won't give you shit," and said that since 387(2)(b) had not given over his information, they would not give him theirs.
told the officers that they had no reasonable suspicion to stop him, and continued to ask for their information. PO Grayson told \$87(2)(b) that if the officers had to give \$87(2)(b) their information, they would have to arrest him. \$87(2)(b) said that he did not care, and that he wanted their information. PO Grayson took out his handcuffs and put them on \$87(2)(b) then put \$87(2)(b) in the back seat of the unmarked car for 15-20 minutes. PO Grayson told \$27(2) Page 4



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did not recall what \$87(2)(b) and PO Grayson said to one another, but \$87(2)(b) "aggressive" towards PO Grayson. [87(2)[b] did not want to provide his ID to the officers. voluntarily exited the car about two or three minutes after pulling over, did not follow "standard" orders and instructions from the officers, and cursed at them. § 87(2)(6) standing in the middle of the road at this point. There were passes by on the sidewalk, but nobody interrupted or caused a scene. Sgt. Barnes denied telling \$87(2)(6) "I'm not giving you a goddamn thing" and "I'm not giving you shit." Sgt. Barnes denied asking \$87(2)(b) "why the fuck are you yelling at me?" Sgt. Barnes denied using profanity against §87(2)(b) and refusing to provide his information. Sgt. Barnes did not witness any officer refuse to provide their information. Sgt. Barnes denied threatening to arrest 887(2)(b) and did not witness any other officers do so. Sgt. Barnes denied and did not witness any other officer do so. In the first fifteen seconds of a video recording made by (05 Board Review) during the incident, an officer's voice can be heard asking \$87(2)(b) for his license and registration. questions the reason for the stop, and the officer responds that \$87(2)(b) s license plate is expired. \$37(2)(b) denies this, says that his registration is valid for 20 days, and refuses to provide his information. The officer tells § 87(2)(b) that his license plate expires May 4, 2018. § 97(2)(b) goes back and forth with the officer until PO Grayson introduces himself by name and asks for \$87(2)(b) s ID. § 87(2)(b) argues that the officers had no reason to stop him, and says that he has been racially profiled. \$87(2)(b) tells PO Grayson that he has been stopped in this car in Harlem before. PO Grayson asks \$87(2)(b) to step out of the car, and \$800. sa7(2)(b) complies. At the back of the car, sa7(2)(b) can be heard explaining that his plate reads that it is valid for 20 days, and says that he will not provide any information. PO Grayson and the officer who first asked for 37(2)(b) s information argue over whether the stop was racially motivated. When presented with this video footage, PO Paduano and PO Grayson identified PO Paduano's voice asking for \$\frac{37(2)(b)}{2} s information in the beginning of the recording. 2019-01-08_14-25-34.mp4 recorded a second video during the incident (**06 Board Review**). §87(2)(b) recording from the passenger seat of §67(2)(b) seems such icle, and voices can be heard out of frame. The recording starts while PO Grayson's voice is in the middle of a sentence, saying "... your information, I'm not giving you shit." \$87(2)(b) responds, "no, no, you stopped me, you asked me to give you a reason." PO Grayson says, "I'm not giving you a god damn thing." At 00:10, PO Paduano tries to explain the reason for the stop, and [37(2)(b)] interrupts him by saying, "I'm not a criminal!" PO Grayson responds, "So why the fuck are you yelling at me? Get back in the car!" In the background, PO Grayson tells \$87(2)(b) "you can leave." \$87(2)(b) for an officer to come to him, and PO Paduano begins to explain that temporary license plates are issued differently in New Hampshire. \$87(2)(b) calls to \$87(2)(b) and exits the car to walk towards where \$87(2)(b) and the officers are arguing. As \$87(2)(b) moves around the car, PO Grayson tells § 87(2)(b) "I'm asking you to leave right now. If you don't leave right now, you're coming back with us." At 00:51, \$37(2)(b) asks for PO Grayson's information, and PO Grayson says, "I already told him he can go." § 87(2)(b) requests PO Grayson's information

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again. PO Grayson responds by saying, "but you still refused to give your ID." \$87(2)(b) tells
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the officers he has not committed any crime. PO Grayson places \$87(2)(b) in handcuffs, and complies with him. PO Grayson walks \$87(2)(b) to the police vehicle and tells him that his information will be at the bottom of the summons. One plainclothes officer in a white shirt and another in white cargo shorts remain at the rear of the vehicle. Out of frame, PO Paduano tells \$87(2)(b) that if \$87(2)(b) had explained his car's registration without escalating the situation, he would have been on his way.



2019-01-08_14-12-10.mp4

When asked about this video, recalled (28 Board Review) telling PO Grayson, "I'm not a criminal, driving a Mercedes is not a crime," but did not recall PO Grayson responding, "then why the fuck are you yelling at me?" When presented with the video recording, PO Grayson could not identify the officer using profanity and refusing to provide his information in the first ten seconds of the video. PO Grayson could hear yelling, and could hear someone in the video say the word "shit." Neither Sgt. Barnes nor PO Paduano recognized any of the voices in the first fifteen seconds of the video.

PO Grayson's memo book (**12 Board Review**) states that [87(2)(5)] argued and engaged in "violent and tumultuous" behavior in the roadway. For the safety of [87(2)(5)] and other officers, PO Grayson handcuffed [87(2)(5)] and then issued him a summons for disorderly conduct.

PO Paduano's memo book (**14 Board Review**) states that [S87(2)(5)] was "extremely combative" and "threatening towards police," and that PO Grayson issued a summons in regard to the stop.

The summons prepared by PO Grayson (**07 Board Review**) states that [87(2)(6)] "engage[d] in tumultuous behavior in [a] public area, causing alarm to by passers [sic] in the middle of an active roadway." The summons has two subsections marked, although PO Grayson clarified in his interview that he observed [87(2)(6)] violate section 1 only, which reads: "engage in fighting or in violent, tumultuous, or threatening behavior to wit."

Officers are directed to "courteously and clearly state your rank, name, shield number and command, or otherwise provide them, to anyone who requests you to do so." (<u>NYPD Patrol</u> Guide 203-09 (**19 Board Review**)).

§ 87(2)(g)	

<u>NYPD Patrol Guide</u> section 203-09 states that an officer is to be "courteous and respectful" (**19 Board Review**).

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§ 87(2)(g)
"A person is guilty of Obstructing Governmental Administration when that person intentionally [obstructs, impairs or perverts the administration of law or other governmental function or] prevents or attempts to prevent a public servant from performing an official function by means of intimidation, physical force or interference." (New York State Penal Law §190.05 (20 Board Review)). Under the statute, "intent means conscious objective or purpose." (id.)
§ 87(2)(g)
§ 87(2)(g)
"A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he engages in fighting or in violent, tumultuous or threatening behavior." (New York State Penal Law §240.20[1] (25 Board Review)) A civilian's expression of grievance against police action is not an offense under this statute, so long as these expressions are for the personal, rather than public dimension. (People v. Square, 872 N.Y.2d 693 (2008) (21 Board Review)). The court in People v. Munafo also stated that in gauging an act's public ramifications, a court must consider the number of those attracted by the act in question and its surrounding circumstances, including the time and place of the incident. (50 N.Y.2d 326 (1980) (22 Board Review)).
§ 87(2)(g)

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§ 87(2)(g)						
§ 87(2)(g)						
3 - (-/(9/						
	<u>Civilian ar</u>	nd Officer CCRB Histories				
Revie	w). the first CCRB complaint in	which §87(2)(b) has been a party which PO Grayson is a subject office				
Mediation, Civil and Criminal Histories						
§ 87(2)(b)	elected not to mediate the	his complaint § 87(2)(b)				
● [§ 87(2)(b)]	[§§ 86(1)(3)&(4)] [§ 87(2)(c)]					
• A noti	ce of claim regarding this inci	ident has not been filed.				
Squad No.:						
Investigator:						
_	Signature	Print Title & Name	Date			
Saund I andom						
Squad Leader:	Signature	Print Title & Name	Date			
Reviewer:						

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Print Title & Name

Date

Signature